

## Article - Estates and Trusts

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§3–408. NOT IN EFFECT

**\*\* TAKES EFFECT OCTOBER 1, 2020 PER CHAPTER 435 OF 2019 \*\***

(a) (1) An election to take an elective share under this subtitle:

(i) Shall be in writing and signed by the surviving spouse or other person entitled to make the election under § 3–405 of this subtitle; and

(ii) 1. Shall be filed in the court in which the personal representative of the decedent was appointed; or

2. If no personal representative of the decedent has been appointed, shall be filed in the court for the jurisdiction in which the venue would be proper under § 5–103 of this article.

(2) Notice of the filing of an election to take an elective share under paragraph (1) of this subsection may be delivered to:

(i) The trustee of each revocable trust of the decedent; or

(ii) The person responsible for filing the estate tax return, if different from the trustee.

(b) The election may be in the following form:

“I, A. B., surviving spouse of C. D., late of the County (City) of....., elect to take my elective share of the decedent’s estate subject to election under § 3–403 of the Estates and Trusts Article of the Annotated Code of Maryland.

.....  
(Signature)”.

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